IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

WP(C).No. 22329 of 2007(G)

PETITIONER:

P.SUNDARESWARAN @ RAMAN,
SON OF PAZHANIYANDI, KOZHIKULAM HOUSE,
KOTTAYADU, ELEVENCHERRY P.O.,
CHITTUR TALUK.

BY ADV. SRI.DILEEP VARGHESE

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT, LOCAL SELF GOVERNMENT,
THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR,
PALAKKAD.

3. THAHSILDAR, CHITTUR TALUK,
PALAKKAD DISTRICT.

4. VILLAGE OFFICER,
ELEVANCHERRY VILLAGE, CHITTUR TALUK,
PALAKKAD DISTRICT.

5. ELEVANCHERRY GRAMA PANCHAYATH,
REPRESENTED BY SPECIAL GRADE SECRETARY,
ELEVANCHERRY VILLAGE, CHITTUR TALUK,
PALAKKAD DISTRICT.

BY GOVT. PLEADER SRI.BASANTH BALAJI
SRI.M.SASINDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 22329 OF 2007 G

Dated this the 1st August, 2007

JUDGMENT

Petitioner challenges Ext.P3 to the extent it affects his rights and seeks to quash the implementation of item No.10 in Ext.P3. He further seeks a direction to respondents 4 and 5 to acquire the private property of the petitioner in lawful means, apart from persuading him to surrender his land. Petitioner had approached this Court earlier as evident from Ext.P4 Judgment. By Ext.P4 Judgment, this Court has taken note of the stand of the Panchayat that the Panchayat has received Ext.P3 therein after the filing of the earlier Writ Petition and the petitioner will be afforded an opportunity of being heard, and further proceedings will be taken only after hearing the petitioner. It is also stated that the contentions raised by petitioner will be put to the Village Officer and remarks obtained before proceeding pursuant to Ext.P2. In the light of the said submissions, the Writ

Petition was disposed of directing the third respondent Panchayat to consider the objections of the petitioner and take a decision in accordance with law, after affording an opportunity of hearing to the petitioner. Petitioner presently challenges Ext.P3 which is the Report of the Village Officer to the extent it contains statement that there is encroachment committed by petitioner. I find that Ext.P3 is dated 2.6.2007, while Ext.P4 Judgment is dated 28.6.2007. In the light of Ext.P4 Judgment, wherein this Court directed that the objections of the petitioner will be considered and he will be heard, I feel that the prayer in the present Writ petition, after obtaining Ext.P4 Judgment, may not lie. It is open to the petitioner to produce such materials and also address oral arguments before the fifth respondent Panchayat and also point out that there is no encroachment. In such circumstances, this Writ Petition is disposed of with the above observations.

K. M. JOSEPH, JUDGE

kbk.